

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**BLUE SPIKE, LLC,**

*Plaintiff,*

**V.**

**TEXAS INSTRUMENTS, INC., *et al.*,**

***Defendants.***

**Civil Action No. 6:12-CV-499-LED**

## JURY TRIAL DEMANDED

**PLAINTIFF’S REPLY IN RESPONSE TO**  
**DEFENDANT CLEAR CHANNEL’S COUNTERCLAIMS**

Plaintiff Blue Spike, LLC files this Reply to the Counterclaims of Clear Channel Broadcasting, Inc. (“Clear Channel” or “Defendant”) (Dkt. No. 314) as follows. All allegations not expressly admitted or responded to by Plaintiff are denied.

## THE PARTIES

71. Plaintiff admits the allegations of Paragraph 71, upon information and belief.
72. Plaintiff admits the allegations of Paragraph 72.

## JURISDICTION AND VENUE

73. Plaintiff admits the allegations of Paragraph 73.
74. Plaintiff admits the allegations of Paragraph 74.
75. Plaintiff admits the allegations of Paragraph 75.

## FIRST COUNTERCLAIM: DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '175 PATENT

76. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 71 through 75 above.
77. Plaintiff admits the allegations of Paragraph 77.

78. To the extent that they are allegations and not prayers for relief, Plaintiff denies the allegations of Paragraph 78.

**SECOND COUNTERCLAIM: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '175 PATENT**

79. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 71 through 78 above.

80. Plaintiff admits the allegations of Paragraph 80.

81. To the extent that they are allegations and not prayers for relief, Plaintiff denies the allegations of Paragraph 81.

**THIRD COUNTERCLAIM: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '494 PATENT**

82. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 71 through 81 above.

83. Plaintiff admits the allegations of Paragraph 83.

84. To the extent that they are allegations and not prayers for relief, Plaintiff denies the allegations of Paragraph 84.

**FOURTH COUNTERCLAIM: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '494 PATENT**

85. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 71 through 84 above.

86. Plaintiff admits the allegations of Paragraph 86.

87. To the extent that they are allegations and not prayers for relief, Plaintiff denies the allegations of Paragraph 87.

**FIFTH COUNTERCLAIM: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '700 PATENT**

88. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 71 through 87 above.

89. Plaintiff admits the allegations of Paragraph 89.

90. To the extent that they are allegations and not prayers for relief, Plaintiff denies the allegations of Paragraph 90.

**SIXTH COUNTERCLAIM: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '700 PATENT**

91. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 71 through 90 above.

92. Plaintiff admits the allegations of Paragraph 92.

93. To the extent that they are allegations and not prayers for relief, Plaintiff denies the allegations of Paragraph 93.

**SEVENTH COUNTERCLAIM: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '472 PATENT**

94. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 71 through 93 above.

95. Plaintiff admits the allegations of Paragraph 95.

96. To the extent that they are allegations and not prayers for relief, Plaintiff denies the allegations of Paragraph 96.

**EIGHTH COUNTERCLAIM: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '472 PATENT**

97. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 71 through 96 above.

98. Plaintiff admits the allegations of Paragraph 98.

99. To the extent that they are allegations and not prayers for relief, Plaintiff denies the allegations of Paragraph 99.

### **REQUEST FOR RELIEF**

Plaintiff denies that Defendant is entitled to any of the relief it requests.

### **PLAINTIFF'S PRAYER FOR RELIEF**

In addition to the relief requested in Plaintiff's Original Complaint, Plaintiff respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Plaintiff its costs and attorneys' fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for the Plaintiff as the Court may deem just and proper.

Respectfully submitted,

/s/ Randall T. Garteiser

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***Counsel for Blue Spike, LLC***

**CERTIFICATE OF SERVICE**

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser

Randall T. Garteiser